SUPREME COURT OF THE UNITED STATES.

No. 218.

THE UNITED STATES, APP'TS,

vs.

LEANDER RANSOM.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

"Los Laureles."

INDEX.

	Original.	Print.
Proceedings of board of commissioners	1	1
Petition	4	2
Deposition of M. Castro	6	3
Espediente	8	3
Translation	14	6
Exhibit "R. T"	20	9
Translation	22	10
Conveyance and translation	24	10
Deed—Escobar to Larkin	28	12
" Leese to Ransom	30	13
" Larkin to Leese	32	14
Opinion	34	15
Decree	36	16
Certificate	40	17
Appeal	42	17
Answer	46	18
Decree	48	19
Appeal	52	20
Clerk's certificate	53	20

LEANDER RANSOM, claimant,
vs.
THE UNITED STATES, defendant,
} For the place named "Los Laureles."

2 OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

Be it remembered that on this twenty-first day of February, anno Domini one thousand eight hundred and fifty-three, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Leander Ransom for the place named "Los Laureles," was presented, and ordered to be filed and docketed with No. 610, and is as follows, to wit:

(*Vide* page 3 of this transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *Aug.* 24, 1853.

In case No. 610, Leander Ransom for the place named "Los Laureles," the deposition of Manuel Castro, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, with documents marked R. T. annexed thereto, was filed.

(*Vide* page 5 of this transcript.)

SAN FRANCISCO, *May* 2*d*, 1854.

Case No. 610, on motion of the counsel for the claimant, was ordered to be placed at the foot of the calendar of the 1st class cases on the trial docket.

3 SAN FRANCISCO, *Aug.* 22*d*, 1854.

Case No. 610 was submitted under the rule of 21st March, 1854.

SAN FRANCISCO, *Aug.* 29, 1854.

In the same case, Commissioner Alpheus Felch delivered the opinion of the board, rejecting the claim.

(*Vide* page 29 of this transcript.)

On motion of the U. S. law agent the following order was made, to wit:

(*Vide* page 33 of this transcript.)

4 *Petition.*

To the U. S. board of land commissioners for the ascertaining and settling of private land claims in California:

The petition of Leander Ransom respectfully showeth unto your honorable board that he is the owner of a tract of land in the county of Monterey called "Los Laureles," and for further explanation alleges—

That one José Agricia, on the 22d day of February, 1844, made and presented his petition in writing to the government of California, stating that he had formally obtained a grant of the place called "Los Laureles;" that such grant was lost, and said Agricia therefore applied for another one.

That said petition was referred to the governor of California, to the secretary of the government, and by him to the respective district alcalde.

That upon their information being given in favor of said Agricia, said Micheltorena, on the 14th day of March, 1844, by virtue of the authority vested in him as constitutional governor of California, declared said Agricia the proper owner of said land, and directed the proper documents to be issued to him.

That a formal grant issued on the 13th March, 1844, and your petitioner further states that he holds under the title so granted to said José Agricia.

That all the documents above referred to as petition, references, reports, concessions, a copy of the original grant, &c., are on file in the archives of California, now in the possession of the U. S. surveyor general for the State of California, and that certified copies and translations of the same are herewith submitted.

5 That the original grant itself, and the conveyance to your petition, is in the hands of your petitioner, and ready to be exhibited in evidence whenever required.

And your petitioner further saith that the land referred to is situate in the present county of Monterey, is called "Los Laureles," and bounded by the ranchos of Manual Boronda, Blas Martinez, the Carmelo, and the place where two crosses have been made, containing two thousand varas square altogether.

And your petitioner further saith that said José Agricia, the original grantee, has been in the full, undisputed possession and ownership of said land from the time of obtaining his said grant, and that your petitioner is now in possession thereof, and is not aware of the existence of any title paramount or superior to his own.

He therefore claims to be the owner of said land, and prays that your hon'l board will confirm his claim and title thereto.

CLARK, TAYLOR & BECKH,
Att'ys for Petitioner.

Filed in office Feb'y 21, 1853.

GEO. FISHER, *Sec'y.*

6 *Deposition of Manuel Castro.*

Case No 610.

OFFICE OF THE COMMISSIONER OF LAND CLAIMS IN CALIFORNIA.

This day, before Com'r Rob't A. Thompson, came Manuel Castro, a witness in behalf of claimant, Leander Ransom, case No. 610, who, after being duly sworn, deposed as follows:

Present: J. Clark, esq., att'y for claimant, and R. Greenhow, esq., ass't law agent.

Question by claimant's att'y. What is your name, age, and place of residence?

Ans. My name is Manuel Castro; my age, thirty-one years; my residence, Lower California.

Question by same. Examine the paper marked R. T., and filed in this case, purporting to be a grant from Micheltorena to Agricia, and state if you know the signatures thereto, and if the same are genuine.

Answer. I know the signatures of Manuel Micheltorena and Manuel Jimeno. I have seen them write, and I believe their signatures on said document to be genuine.

I know the piece of land called Los Laureles. It is situated in the county of Monterey, on the Carmel river, and about a league and a half from the mission of the same name.

I passed the land on one occasion when the Indian Agricia was cultivating the land. He had no house on it, only a hut built
7 of brush. He lived sometimes on the land and sometimes at the mission. This was in 1840. He was occupying the land before he got the grant from Micheltorena.

And further this deponent saith not.

MAN'L CASTRO.

Sworn to and subscribed before me this 24th day of August, 1853.

R. AUG'A THOMPSON, *Com'r.*

Filed in office Aug't 24, 1853.

GEO. FISHER, *Sec'y.*

8 *Espediente.*—1844.

Espediente promovido por el Yndigena Agricio del Rincon de los Aureles.

2.—S. D. K.—(356.)

Sello cuarto, dos reales.—Habilitado provicionalmente por la aduana maritima del puerto de Monterey, en el departamento de los Californias, para el año de mil ochocientos cuarenta y tres.

MICHELTORENA.
MANUEL CASTANARES.

[L. S.]

MONTEREY, *Feb.* 22 *de* 1844. Ynf'l el S. srio. despacho tomando otros si lo cuyere necesario. MICHELT'A.

Ex'mo Sor. Com'te Gen'l:

José Agricio, Indigene de la ex-mision de S. Carlos ante V. E. en el debido respecto y sumision comparece y dice: Que respectuosamente acompaña á V. E. el adjunto papel q'l acredita el sitio q'l se le dio en el parage nombrado Los Laureles, y el S'r Gra'l D. José Figueroa tuba la dignacion de confirmarle estadostation nombrando á D. Joaquim Torrez, p'r, q'l le diere la posesion y ahora s'r ex'mo se ha metido alli José Manuel Boronda y Blas Martinez. S'r ex'mo yo soy un pabre Yndio q'l me mantengo de mi trabajo personal contiendo alg's, bagentillas y gamuzas haciendo my siembra pa. la subsistencia de mi familia pa. q'l yo tengo Nietos.

Ex'mo sor. mi justicia si alaso conoce V. E. q'l la tengo ocurri à V. E. pa. q'l estos individuos me dijen me sitio libre [3, S. D. K.] pa. aunque no tengo tanto con q'l, fomentarlo pa. havermelo concedido el sup'r gobierno es mio como tambien p'r ser yo indigena de la mission aquien pertenece.

Ex'mo sor. ciudo yo de la probar de V. E. y de asi justicada justificacion ocurro á ella con el fien de q'l la tenga de condalerse de este pobre é infeliz indigena su subdito. Por tanto A. V. E. pido y suplico se digne, favorecer à este q'l la implora, pa. q'l yo no puedo establecerme alli p'r causa de estos sr'os.

Por tanto, ex'mo sor. á V. E. como tan humano, y como á padre de nosotros ocurre yo con esta necesidad la q'l espero, se digne V. E. autorizar. Ex'mo sor.

JOSÉ AGRICIO.

Juzgado de Paz del pueblo de S'n Carlos:

El ciudadano Marcelino Escobar juez de paz de este pueblo en cumplimiento de la comunicacion oficial del sor. prefecto del 1o. distrito de fecha 8 de Mayo en que ordena les con firme susterrenos q'l tenian señalados p'r el gob'o á los Yndegenos desde pueblo é tenido á bien el confirmarle al vecino Agricio sus tierras.

De lo que queda tomado razon en este de mi cargo.

Pueblo de S. Carlos, 10 de Ag'to de 1840.

MARCELINO ESCOBAR.

5.—S. D. K.

Como dispone el ex'mo sor. gobernador pase la presente instancia al alcalde primero de esta capital pa. que se serva informar sobre su contenido, pasandola despues a'l D'n Marcelino Escobar p'r que diga lo que haya sobre el particular en virtud de haber sido encargado de San Carlos, Monterey, 22 de F'bro de 1844, Manuel Jimeno sor. s'rio del despacho.

El terreno nombrado Laureles segun está impuesto esta jusgado es de la propiedad del Co. José Man'l Boronda y Blas, Martinez, quienes actualmente tienen en el casa, siembras, ganados, y todas sus intereses ; respecto a las tierras que reclama el Indigena Agricio en este jusgado no hay constancias algunos, y creo.

6.—S. D. K.

Que si las tenia ó poseia cuando solicitaron otros individuos el expresado terreno deve constar en los informes del expediente de la materia, y ql. pr. conseguiente el gob'no de aquel tiempo dispondra lo conveniente. Lo digo á V. S. en contestacion al supr. decreto que antecede.

Monterey, F'bre 22 de 1844.

JOSÉ DE AMESTI.

En la misma f'ha, pasé a Dn. Marcelino Escobar segun lo dispuesto en el supr. decreto que antecede.

JOSÉ DE ANIESTI, *Exmo.*

7.—S. D. K.

Sor. S'rio del Despacho:

El terreno ql. reclama el Yndez Agricia se lo concedio el gob'o anteriorm'te y llo se lo confirme en el año 40 en presencia de testigos por orden de la pref'a y nunca asido incomodado ne por los Señores Boronda y Martinez no par nadie, me consta que es colind'te si con los Laureles, mas es mi pedacito de terreno que el se benificio del, y a los otros S. S. no les es en nada util, y amas ql. cuando se les concedio de bian saber, ql. iban a colindar con el d'ho Agricio, pues
11 asi deve constar en su espediente. Es cuanto puedo decir a V. S. en informe sabre el asunto, y cumpliendo con la orden superior ql. ne fue comunicada este dia por el jusgado 1° en la representacion del referido Agricio, lo que devuelvo.

Monterey, Febro 24 de 1844.

MARCELINO ESCOBAR.

8.—S. D. K.

SEÑOR GOBERNADOR: Por todas las diligencias que se han practicado resulta que el indigena Agricio tiene permiso pa. sembrar una estencion de terrena, que tendra como dos mil varas, y este se le pude conceder por no haber otra cosa que le impida; pero la disposicion de V. E. sera lo mejor.

Monterey, 4 de M'zo de 1844.

MAN'L JIMENO.

MONTEREY, *M'zo* 4 *de* 1844.

Concedido a la s'ria pa. los efectos consiguientes.

MICHELT'A.

MONTEREY, 6 *de Marzo de* 1844.

Vista la petecion con que da principio este esped'te los informes que se practicaran contodo lo demas que se tubo presente y sa combino de conformidad con las leyes y reglamentos [9.—S. D. K.] de la

materia declaro al indigena Agricio dueño de dos mil varas por lado en el rencon nombrado de Los Laureles colindante con el Rancho de los Vecinos Man'l Boronda y Blas Martinez y con el carmelo, hasta el punto q'l se han, señalado dos cruces; sujetandose á la aprobacion de la exma.
asamblea departamental y á las condiciones que se espresan
12 en el titulo librese el correspondte. despacho y tomere razon en el libro respectivo. El exmo. sor. gob'no asi lo decreto mando y firmo. Doy fe.

MICHELT'A.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, surveyor general of the United States for the State of California, and, as such, having in my office and under my custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, do hereby certify that the nine preceding and hereunto annexed pages of tracing paper, numbered from one to nine, inclusive, and each of which is verified by my initials, (S. D. K.,) exhibit true and accurate copies of certain documents on file and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, and affixed my private seal, (not having a seal of office,) at the city of San Francisco, Cala., this 28th day of January, 1853.

[SEAL.]

(Signed) SAM'L D. KING.

Filed in office February 21st, 1853.

13 (Signed) GEO. FISHER, *Sec'y.*

Translation of espediente.

14 1844.

Record of proceedings at the instance of the native Agricio, of the Rincon de los Laureles.

356.

EXCELLENT SIR COMMANDER GENERAL: José Agricia, a native of the ex-mission of San Carlos, with due respect and submission, appears before you, and says:

That I respectfully accompany to you the adjoined paper, which entitles me to the "sitio" which was given me in the locality called "Los Laureles," and General Don José Figueroa had the condecendence to confirm me in this donation, appointing Don Joaquin Torrez to give me the possession; and, excellent sir, now have José Man'l Boranda and Blas Martinez intruded themselves there.

Excellent sir, I am a poor Indian, supporting myself of my personal labor in leaving some hides and skins, making my sowing for the subsistence of my family, for I have already grandchildren.

Excellent sir, as a justice to me, for perhaps your excellency is aware that I have a just cause, I apply to your excellency that these individuals may leave me my sitio free; for though I have not so much wherewith to improve it, yet it is mine, because the government having granted me it, as also because I am a native of the mission to which it belongs.

Excellent sir, relying on your excellency's well-known probity, I apply to you with the view that you will have commiseration
15 on this poor and unhappy native, your inferior, while I ask and pray your excellency to vouchsafe to favor me in what I implore, because I cannot establish myself there for the sake of these gentlemen.

Therefore, excellent sir, I apply to you as being so humane, and as a father of ours, in this necessity, which I hope you will condescend to authorize.

Excellent, sir, yours,

JOSÉ AGRICIA.

In the margin:

MONTEREY, *Feb'y 22d*, 1844.

The secretary of state will report, taking other reports if he shall deem it necessary.

MICHELTORENA.

Justice's court of the Pueblo of San Carlos:

The citizen Marcelino Escobar, a justice of the peace of this pueblo, in compliance with the official communication of the prefect of the 1st district, dated 8th of May, in which he orders me to confirm the lands which the government has designated to the nation of the pueblo.

I have thought fit to confirm to the resident Agricia his land, of which a record has been taken in my office.

Pueblo de San Carlos, 10 August, 1840.

16 MARCELINO ESCOBAR.

The excellent sir governor has ordered the present instance to be sent to the first alcalde of this capital, that he will please report on its contents; afterwards to be sent to D. Marcelino Escobar that he will report what he may have to say upon the subject, in virtue of having been an officer of San Carlos.

Monterey, 22d of February, 1844.

MAN'L JIMENO.

To the secretary of state:

The land called Laureles, according to what this justice's court is advised, is the property of the citizen José Man'l Boronda and Blas Martinez, who actually have on it a house, cornfields, cattle, and all their personal property.

Respecting the lands that the native Agricia claims, there are no

proofs at all in the affair of this justice's court: and if he had or possessed them, when said individuals solicited the said land, it ought to appear in the reports in the espediente on the subject; and that, consequently, the government at that time would have acted accordingly.

This I say to you in answer to the foregoing superior decree.

Monterey, Feb'y 22d, 1844.

JOSÉ DE AMESTE.

17 On the same day sent to Don Marcelino Escobar, conformable to the order in the foregoing superior decree.

JOSÉ DE AMESTE.

To the secretary of state:

The land claimed by the native Agricia was formerly granted him by the government, and I confirmed to him in the year '40, in presence of witnesses, at the order of the prefectura, and he has never been troubled neither by Mess. Borando and Martinez nor by anybody else. I certify that it is bordering on Los Laureles, but it is a small piece of land of benefit to him, and to the other gentlemen it is of no use at all; and, besides, when it was granted them, they must have known that they were to border on said Agricia, for so it must appear in their espediente.

This is all that I can tell you in reporting on the subject; and complying with the superior order communicated to me this day by the 1st justice court on the representation of said Agricia, I return it.

Monterey, February 24th, 1844.

MARCELINO ESCOBAR.

SIR GOVERNOR: From all the action taken, it results that the native Agricia has permission to occupy an extent of land something like two thousand varas, and this he can be granted, as there
18 is nothing to hinder it, but your determination will be the best.

Monterey, 4th of March, 1844.

MAN'L JIMENO.

MONTEREY, *March* 4, 1844.

Granted and sent to the secretary's office from the consequent acts.

MICHELTORENO.

MONTEREY, *6th of March*, 1844.

In view of the petition with which this espediente commences, the reports taken with whatever else to bear in mind and was to the purpose, in conformity with the laws and regulations on the matter, I declare the native Agricia owner of 2,000 varas along the Rincon, (angle,) called Los Laureles, bordering on the rancho of the residents Manuel Boronda and Blas Martinez, and on the Carmelo to the point where two crosses have been marked, subject to the approbation of the excellent departmental assembly and to the conditions to be ex-

pressed in the title deed. Let the corresponding document be issued and entered in the respective book. The governor thus decreed, ordered, and signed, of which I bear testimony.

MICHELTORENO.

Filed in office Sept. 21st, 1853.

GEO. FISHER, *Sec'y.*

19

20 *Exhibit R. T., annexed to deposition of Man'l Cast o.*

Manuel Micheltorena, general de brigada del ejercito Mejicano, ayudante general de la plana, mayor del mismo, gobernador, comandante general é ynspector del departamento de las Californias:

[L. S.] Por cuanto el yndegena llamado Agricio ha pretendido para su benificio personal y el de su familia una estencion de dos mil varas por lado en el micion que llaman de Los Laureles, colindante con el rancho de los vecinos Manuel Boronda y Blas Martinez, y con el Carmelo hasta donde se han senalado dos cruces; practicadas previam'te los diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos, usando de las facultades, que me son conferidos á nombre de la nacion Mejicana, he venido en concederle el terreno mencionado, declarandole la propiedad de el por los presentes letras, sujetandose á las condiciones siguientes:

1o. No podra cercalos, enagenarlos ni hipotecalo imponer censo, vinculo, franza, hipoteca, ni otro gravamen alguno.

2o. Podra cercarlo sin perjudicar los traresias caminos y servidumbres, lo disfrutará libre y esclusivamente destinandolo al uso ó cultivo que mas le acomode pero dentro de un año fabricará casa y estará habitada.

3o. Solicitara del juez respectivo que le de la posesion juridica en virtud de este dispacho, por el cual se demarcaran los linderos, en cuyos limites pondrá a mas de sus mojoneras algunos arboles
21 frutales ó silvestres de alguna urtilidad.

4o. El terreno de que se hace donacion es de dos mil varas, como se lleva referido. El juez que diere la posesion lo hará medir conforme á ordenanza, quedando el sobrante que resulte á la nacion para los usos combenientes.

5o. Si contraviniese a estas condiciones perdera su derecho al terreno y será denunciable por otro.

En consecuencia mando que serviendolo de titulo el presente y temendose por firme y valedero se tome razon de el en el libro á que corresponde, y se entregue al interesado para su resguardo y demas fines. Dado en Montery á trece de Marzo de mil ochocientos cuarenta y cuatro.

(Signed) MAN'L MICHELTORENA.
" MAN'L JIMENO, *S'rio.*

Queda tomado razon de esta concesion en el libro respectivo a fsa.
(Signed) JIMENO.

Filed in office February 21st, 1853.

GEO. FISHER, *Sec'y.*

22 *Translation of grant.*

Man'l Micheltoreno, general of brigade of the Mexican army, adjutant general of etat, major of the same, governor, commander general and inspector of the department of the Californias:

Whereas the native called Agricia has solicited, for his personal benefit and that of his family, an extent of two thousand varas at each wind in the point called de "Los Laureles," boundering with the rancho of the neighbours, Manuel Boronda, Blas Martinez, and with the Carmelo up to the place where two crosses have been made, having previously taken the necessary steps and informations concerning what is decreed by the laws and regulations, in use of the faculties conferred upon me, in the name of the Mexican nations I have granted him the mentioned land, declaring it to be his property by these present letters, subject to the following conditions:

First. He shall not sell it, transfer it, hypothecate it, nor impose any tax, lien, bond, hypotheca, or any other burthen.

Second. He will be at liberty to fence it, without prejudice to the paths, roads, and servitudes; he will enjoy it fully and exclusively, destining it to the use or cultivation that may best suit him; but within one year he shall build a house, which shall be inhabited.

Third. He will solicit of the respective judge to give him juridical possession in virtue of this patent, by which the boundaries shall be designated, putting at its limits, besides the landmarks, some fruit trees, or wild ones of some utility.

23 Fourth. The land of which donation is made is of two thousand varas, as it is expressed. The judge, who will have it measured according to ordinance, leaving the surplus that may result to the nation for the convenent uses.

Fifth. Should he contravene to these conditions, he shall loose his right to the land, and it shall become denounceable by some other party.

In consequence, I do order that the present, answering for a title and holding it firm and valid, it may be recorded in the corresponding book and delivered to the interested party for his safety and other ends.

Given at Monterey on the 13th of March, 1844.

(Signed) MAN'L MICHELTORENO.
" MAN'L JIMENO, *Sec'y.*

This concession is recorded in the respective book, page 7.
(Signed) JIMENO.

Filed in office Feb'y 21, 1853.

GEO. FISHER, *Sec'y.*

24 *Agricio to J. M. Escobar.*

Sello cuarto, dos reales.—Habilitado provisionalmente por la aduana maritima del puerto de Monterey, en el departamento de los Califor-

nias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

MICHELTORENO.
PABLO DE LA GUERRA.

[L. S.]

Certificamos los abajo firmados haberse verificado ante nosotros como testigos presenciales y por falta del juez competente la venta que el Yndegeun Agricio natural de la micion de S. Carlos, hace por y á nombre de sus herederos y sucesores, del terreno conocida con el nombre de Buena impuesta al C. José Ma. Escobar; cuyo terreno le pertenerse en propiedad pr. concession ql. le hizo el E. Sr. gobernador y Comte. General Dn. José Figueroa en el tiempo de su admor. cuyos documentos se le estrabiaron, pero manifesto y entregó, al comprador los que le dió para su seguridad. El E. S. gobernador y Comte. Gral. Dn. Manuel Micheltoreno en los que consta componerse otro terreno de un sitio de ganado my'r poco mas ó menos, el cual vende en la cantidad de dos vacas chichiguas mansas y con sus crias hembras una llegua de rienda, un fucil y treinta pesos todo lo que tiene recibido á su lutera satisfaccion declarandole no tenerlo vendido luagenado ni empeñado, que esta libre de todo gravamen publico, y como tal re lo vende umla aprobacion y presencia de su muger é hijos. Y para la constancia correspondiente se estienda esta escritura extrajudicial advertidas las parte de tener que presentarse ante el juez respectivo pa. su autorizacion. Lo que firmo con nosotros el comprador no haciendolo el vendedor por no saber.

Monterey, Junio 24 de 1845.

(Signed) JOSÉ MARIA ESCOBAR.
(Signed) JOSÉ RAFAUL GOMEZ.
A ruego de Agricio, (Signed) DAV. SPENCE.
(Signed) FLORENCIO SERRANO.

Filed in office August 25th, 1853.
(Signed) GEO. FISHER,
Sec'y.

Translation of conveyance from Agricio to Escobar.

We, the undersigned, certify that before us, as presented witnesses, and for want of a competent justice, has been verified the sale that the native Agricio, a native of the mission of San Carlos, for himself and in the name of his heirs and successors, makes of the land known by the name of Buena Impuesta to the citizen José Ma. Escobar, which land belongs to him in ownership by grant made to him by the governor and commander general, Dn. José Figueroa, at the time of his administration, the documents of which have been lost for him; but he exhibited and delivered over to the purchaser the documents which for his security were given him by the governor and commander gen-

eral, Don Manuel Micheltorena, in which it is shown that said land comprises one square league, (sitio de ganado mayor,) a little more or less, which land he sells for the consideration of two tame milk cows with their calves, one domesticated horse, a gun, thirty dollars, all of which he has received to his entire satisfaction, declaring not to have sold, alienated, or pawned it; that it is free of all public incumbrance, and as such he sells it with the approbation and in the presence of his wife and children.

And for a proper attestation, and for the purchaser's security, this extrajudicial writing is made out, the parties being notified that they have to present themselves before the respective justice for his
27 authorization, which the purchaser signed with us. the vendor not doing it on account of not knowing how.

Monterey, June 24, 1848.

JOSÉ RAFAEL GONZALES.
JOSÉ MARIA ESCOBAR.
On request of Agricio, DAV. SPENCE.
FLORENCIO SERRANO.

Filed in office Sept. 21, 1853.

GEO. FISHER, *Sec.*

28 *J. M. Escobar to Thos. O. Larkin.*

Know all men by these presents that I, José Maria Escobar, of the town of Monterey, in Upper California, in consideration of the sum of two hundred and fifty dollars to me in hand paid, the receipt whereof is hereby acknowledged, have this day, and do by these presents, grant, bargain, sell, and convey unto Thos. O. Larkin, of Monterey, in California aforesaid, all and singular the following piece, parcel, and tract of land, to wit: A certain tract of land lying and being on the Carmel river, situate on the northern boundary of a tract of land owned by José Manuel Boronda and Blas Martinez, unto where are made two crosses in and oak tree, having the distance between the boundary of said Messrs. Boronda and Martinez and the said two crosses of two thousand yards. This tract of land is known by the name of "Buena Impuesta," and the whole consists of two thousand yards square of land, as will more fully appear by a reference to the original title-deed, made in due form of law, and duly recorded in Monterey, (in California,) in the book of state, (page 7,) all of which will more fully appear by reference to said deed and record.

And I, the said José Maria Escoba, do hereby further covenant and agree to and with the said Thomas O. Larkin to warrant and defend all and singular the said premises, together with all and singular the privileges and appurtenances thereunto in anywise appertaining or belonging unto him, the said Thomas O. Larkin, against all
29 legal claims and demands of all persons whomsoever.

In testimony whereof, I, the said José Maria Escobar, have hereunto set my hand and affixed my seal, this the eighteenth day of

March, in the year of our Lord one thousand eight hundred and fifty-seven.

JOSÉ MA. ESCOBAR. [SELLO.]

Witness:
WILLIAM R. GARNER.
M. S. SCHALLENBERGER.

The foregoing document was sealed, signed, and delivered in my office, and in my presence, and a record of the same taken this 18th day of March, A. D. 1847.

WALTER CALTON, [SEAL.]
Alcalde of Monterey.

WILLIAM R. GARNER,
Secretary.

Filed in office Aug't 25th, 1853.

GEO. FISHER, *Sec'y.*

30 *Jacob P. Leese to Leander Ransom.*

This indenture, made and entered into this twenty-ninth day of January, A. D. eighteen hundred and fifty-three, between Jacob P. Leese, of the city of Monterey and State of California, of the first part, and Leander Ransom, of the city of San Francisco, same State, of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of two thousand dollars to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, and conveyed, and by these presents doth grant, bargain, sell, and convey unto the said party of the second part, his heirs and assigns, all and singular his right, title, interest, and estate of, in, and to that certain piece, parcel, or tract of land situate in the county of Monterey, State of California, and described as follows, to wit: A certain tract of land lying and being on the Carmel river, situated on the northern boundary of a tract of land owned by José Manuel Boronda and Blas Martinez, unto whence are made two crosses in an oak tree, being the distance between the boundary of said Messrs. Boronda and Martinez and the said two crosses of two thousand yards. This tract of land is known by the name of "Buena Impuesta," and the whole consists of two thousand yards square of land, a little more or less, and was derived to the said Jacob P. Leese by deed from Thomas O. Larkin, bearing date the eighth day of July, A. D. eighteen hundred and fifty-three: to have and to hold the above granted and described premises unto him, the said party of the second part, his heirs and assigns,
31 as fully and completely as heretofore had and held by the said party of the first part.

In witness whereof, the said party of the first part hath hereunto set his hand and seal the day and year first above written.

JACOB P. LEESE. [SEAL.]

Signed, sealed, and delivered in presence of—
G. W. BECKH.

STATE OF CALIFORNIA,
County of San Francisco, ss:

On this twenty-ninth day of , A. D. eighteen hundred and fifty-three, before me, a notary public in and for the county and State aforesaid, personally appeared Jacob P. Leese, known to me to be the person described in and who executed the foregoing instrument, and acknowledged to me that he executed the same freely and voluntarily, for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and seal of office the day and year in this certificate first above written.

G. W. BECKH,
[L. S.] *Notary Public.*

Filed in office Aug't 25, 1853.

GEO. FISHER, *Sec'y.*

32 *Conveyance.—T. O. Larkin to J. P. Leese.*

This indenture, made and entered into at the city of Monterey, State of California, this eighth day of July, in the year of our Lord one thousand eight hundred and fifty-two, by and between Thomas O. Larkin, late of Monterey city aforesaid, now of New York city, State of New York, party of the first part, and Jacob P. Leese, of the said city of Monterey, party of the second part, witnesseth: That the party of the first part, for and in consideration of the sum of one dollar to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged and confessed, hath this day granted and confessed, hath this day granted, bargained, sold, and conveyed, and by these presents doth grant, bargain, sell, and convey unto the party of the second part, his heirs and assigns, all and singular his right, title, interest, and estate of, in, and to that certain piece, parcel, or tract of land situate in the county of Monterey, State of California, and described as follows, to wit: A certain tract of land lying and being on the Carmel river, situated on the northern boundary of a tract of land owned by José Manuel Boronda and Blas Martinez, unto whence are made two crosses in an oak tree, being the distance between the boundary of said Messrs. Boronda and Martinez and the said two crosses of two thousand yards. This tract of land is known by the name of "Buena Impuesta," and the whole consists of two thousand yards square of land, a little more or less, and was devised to the said Thomas O.
Larkin by deed from José Ma. Escobar, bearing date 18th
33 March, 1847, duly recorded in the book of records of the municipality of Monterey, now in the recorder's office of Monterey county, at folio 29: to have and to hold the above granted and described premises unto him, the said party of the second part, his heirs and assigns, as fully and completely as heretofore had and held by the party of the first part.

In witness whereof, the said party of the first part hath hereunto set his hand and seal the day and date first aforesaid.

THOMAS O. LARKIN. [L. S.]

Signed, sealed, and delivered in presence of—
WM. S. JOHNSON.

STATE OF CALIFORNIA, *County of Monterey, ss:*

On this 8th day of July, A. D. 1852, before me, recorder in and for said county, came personally Thomas O. Larkin, to me known to be the same person described in and who, as grantor thereof, executed the foregoing conveyance, and he acknowledged to have executed the same freely, and for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year last aforesaid.

[L. S.] WM. S. JOHNSON,
Recorder of Monterey County.

Filed in office Aug. 25th, 1853.

GEO. FISHER, *Sec'y.*

34 *Opinion by Commissioner Alpheus Felch.*

LEANDER RANSOM *vs.* THE UNITED STATES. } For the place called "Los Laureles," in Monterey county, containing 2,000 varas square of land.

In proof of the concession of the land claimed by the Mexican government, a grant made by Governor Micheltorena to Agricia, a native Indian, under date of March 13, 1844. He appears to have had a temporary right of occupancy before that time, but his claim to the a confirmation of a perfect title must rest on the document above mentioned.

No approval of the assembly appears to have been obtained, and no judicial measurement was had.

The grant required a house to be built and inhabited within a year.

The present claimant alleges title derived through several mesne conveyances from said grantee.

Several objections present themselves to a confirmation in this case:

First. The conditions of building a house was not complied with, nor does the grantee appear to have cultivated any of the land after the grant was made.

In 1844 it is stated that he had cultivation on the premises and a brush hut; but he had neither his residence nor a house, within
35 the true spirit of the law, on the place at any time, and there is no showing that any of the terms of the grant were complied with after it was made to him by cultivation or occupancy of any kind.

Second. There is no proof of a conveyance of the premises by the grantee.

A certificate signed by three persons, alleging that the grantee appeared before them and admitted that he sold said premises to José Maria Escobar, who also signed said document.

There is no proof, even, of the genuineness of this document; and if this was proved, it would still be no evidence of a conveyance of the land.

The document was not made before an alcalde, or any officer authorized to act officially in taking acknowledgement of conveyances. It is in no sense a public writing, nor has it any authority as an instrument authenticating a sale. It is a mere private certificate, not proved; and if proved, not of a character to establish the transfer of the property by act of sale. It would be equally insufficient to prove title under the Mexican law as under our own.

The claim of title under which the claimant holds being thus broken, he has failed to show himself entitled to the premises by a right derived from the Mexican or Spanish government.

He cannot, therefore, be entitled under the act of 3rd of March, 1852, to a decree of confirmation.

Rejected.

Filed in office Aug. 29th, 1854.

GEO. FISHER, *Sec'y.*

36 *Decree.*

LEANDER RANSOM
vs.
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the said petitioner is not valid, and it is therefore decreed that his application for a confirmation thereof be denied.

ALPHEUS FELCH,
R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in office Aug't 29, 1854.

GEO. FISHER, *Sec'y.*

37

38 *Order.*

And it appearing to the satisfaction of this board that the land hereby adjudicated is situated in the ——— district of California, it is hereby

Ordered, That two transcripts of the proceedings and of the decision in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary—one of which transcripts shall be filed with the clerk of the United States district court for the ——— district of California, and the other be transmitted to the Attorney General of the United States.

40 OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

I, George Fisher, secretary of the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing thirty-three pages, numbered from 1 to 33, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office in case No. 610 on the docket of the said board, wherein Leander Ransom is the claimant against the United States, for the place known by the name of "Los Laureles."

In testimony whereof, I have hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, [SEAL.] California, this fourteenth day of December, A. D. 1854, and of the independence of the United States of America the seventy-ninth.

GEO. FISHER, *Sec'y.*

Filed December 19th, 1854.

41 C. E. CARR, *Cl'k.*

42 *Notice of appeal.*

On appeal from the board of U. S. land commissioners.

LEANDER RANSOM, app'l't, *vs.* THE UNITED STATES, app'lee. } Case No. 610. Claim for "Los Laureles."

SAN FRANCISCO, *May 9th*, 1855.

SIR: Please take notice that the claimant in the above case will prosecute the appeal therein.

Yours, respectfully,

CLARK, TAYLOR & BEEKH,
Att'ys for Claimant.

To the CLERK *of the U. S. District Court for the Southern District of California.*

Filed May 22d, 1855.

43 C. E. CARR, *Cl'k.*

44 *Petition for review.—Appeal.*

LEANDER RANSOM *vs.* THE UNITED STATES. } Docket No. 187. Transcript No. 610.

To the Hon'l I. K. Ogier, judge of the United States district court for the southern district of California:

The petition of Leander Ransom, a citizen of California, respectfully represents: That under the provisions of the act of Congress of

the 3d March, 1851, he presented a petition to the commissioners appointed under said act to examine claims to land in California, praying for the confirmation of the claim to the tract of land therein described called Los Laureles, situate in the county of Monterey, under a grant from the governor of California, made on the 13th March, 1844, to Agricia, and accompanied by evidence of his title, and to which for more full and particular description he begs leave to refer.

That his said claim, being designated as No. 610 on the docket of the said commissioners, was rejected by them; that the said land is situate within the limits of the southern district of California; that a transcript of the proceedings and decision of the commissioners in the case was duly filed in the office of the said court, and due notice has been given that your petitioner appealed from said decision.

Your petitioner prays for a rehearing of the case upon this appeal; that the said decision of the commissioners may be
45 reversed and annulled, and that the court will make such decree and order as may be necessary and proper to recognize, and confirm, and declare valid his title and claim to the premises mentioned and referred to in his said petition and evidence of claim.

And your petitioner will ever pray, &c.

LEANDER RANSOM,
By his att'ys, STANLY & KING.

Filed June 2, '57.

A. S. TAYLOR, *Dep'ty Cl'k.*

46 *Answer.*

In the district court of the United States for the southern district of Cal'a.

LEANDER RANSOM *vs.* THE UNITED STATES. } Trans. No. 610. No. 187.

The answer of Pacificus Ord, attorney of the United States for the southern district of Cal'a, for and in behalf of the United States, to the petition for review of Leander Ransom, denies generally the allegations of said petition, and the validity of the alleged title of said petitioner to said land; and petitioner prays that this hon'l court will affirm the decision of the commission, rejecting claim of said petitioner, and general relief.

P. ORD, *Att'y of the U. States for the South. Dist. of Cal'a.*

Filed 2 June, '57.

A. S. TAYLOR, *D'p'ty Cl'k.*

47

Decree.

48 In the district court of the United States for the southern district of California, June term, 1857.

LEANDER RANSOM *vs.* THE UNITED STATES. } No. 187. Transcript No. 610. "Los Laureles."

This cause coming on to be heard on appeal from the final decision of the board of United States land commissioners to ascertain and settle private land claims in the State of California, under the act of Congress approved March 3d, 1851, on a transcript of the proceedings and decision of said board, and of the papers and evidence upon which said decision was founded, and the papers and evidence on file in this court, and counsel for the claimant and for the United States having been heard, notice of appeal having been duly filed according to law—

It is ordered, adjudged, and decreed that there is error in the decision and decree of the said land commissioners, and that the same be, and is hereby, reversed and annulled; and it is further adjudged and decreed that the title of the claimant is good and valid, and the same is hereby confirmed to him.

The land of which confirmation is hereby made is of an extent of two thousand varas at each wind, and no more, in the point called "Los Laureles," bordering with the ranchos of the neighbors Manuel Boronda, Blas Martinez, and with the Carmelo up to the
49 place where two crosses have been made, it being the land referred to in the grant and papers on file.

Thus decreed and signed in open court, at Monterey, on this 3d day of June, A. D. 1857.

ISAAC S. K. OGIER, *U. S. Dist. Judge.*

Filed 3 June, '57.

A. S. TAYLOR, *D'p'ty Cl'k.*

50 *Motion for leave to appeal.*

Whereupon the following proceedings were had in open court, to wit:

United States district court, south'n district of California, December term, A. D. 1857.

MARCH 15TH, 1858.

LEANDER RANSOM *vs.* THE UNITED STATES. } No. 187.

On motion of E. J. C. Kewen, act'g dist. att'y, for leave to take appeal in this case, the same is taken under advisement.

Motion withdrawn.

U. S. dist. court, south'n dist. of California, December Term, 1858.

DECEMBER 7, 1858.

LEANDER RANSOM
vs.
THE UNITED STATES. } No. 187.

Now on this day comes J. R. Gitchell, U. S. dist. att'y, and moves the court to withdraw the motion heretofore made and filed in this case for an appeal; which motion being heard by the court is granted, and the said motion heretofore filed is and the same is hereby withdrawn.

51

52 *Appeal.*

U. S. dist. court, south'n dist. of Cal'a, December Term, A. D. 1861.

DECEMBER 9TH, 1861.

LEANDER RANSOM, appellee,
vs.
THE UNITED STATES, app'l't. } No. 187, D. C. No. 650, L. C. Los Laureles.

And now comes J. R. Gitchel, esq., appointed at the request of the court to act in behalf of the U. S., (there being no U. S. att'y present,) and moves the court that an appeal be allowed the U. S. in this case to the Supreme Court of the U. S. from the order and decree of this court heretofore rendered; which motion being heard and by the court understood, is granted.

53 United States district court, southern district of California.

CLERK'S OFFICE, *Monterey.*

I, John O. Wheeler, clerk of the United States district court for the southern district of California, hereby certify the above and foregoing fifty-two pages, numbered from 1 to 52, both inclusive, to contain a full, true, and correct transcript of the record of the proceedings, and of the decision of the said court, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this case numbered 187 upon the docket of the said court, wherein Leander Ransom is claimant against the United States for the place called "Los Laureles."

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, this the 5th day of February, A. D. 1862, at the city of Monterey.

[SEAL.]

JOHN O. WHEELER, *Cl'k.*

Filed Sept. 20, 1862.